

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

1. (currently amended): ~~Marking~~ A marking determining method, for determining a packet marking of packets of an incoming packet-flow, in order to keep said packets in conformance with a traffic policy,

said determining being based on an actual value of a traffic reservation parameter, said traffic reservation parameter being a measure of available network resources dedicated to packets of said incoming packet-flow having a pre-assigned priority,

said determining further being based on said pre-assigned priority of said packets of said incoming packet flow, said traffic reservation parameter having a predetermined minimum and a maximum value,

said marking determining method comprising:

holding a threshold value for said traffic reservation parameter, said threshold value lying between said minimum and said maximum value of said traffic reservation parameter;

metering said actual value of said traffic reservation parameter; and

determining said packet marking of each of said packets based on said actual value of said traffic reservation parameter when said actual value of said traffic reservation parameter exceeds said threshold value for said traffic reservation parameter.

2. (currently amended): ~~Marking~~ The marking method according to claim 1, wherein said determination of packet marking additionally is based on at least one additional pre-assigned priority for each said packet of said incoming packet-flow, each said additional pre-assigned priority having a separate threshold value assigned to said traffic reservation parameter.

3. (currently amended): ~~Marking~~ The marking determining method according to claim 1, wherein said traffic reservation parameter is the filling level of a token bucket.

4. (currently amended): ~~Marking~~ The marking determining method according to claim 1, wherein said traffic reservation parameter is a sending rate estimate.

5. (currently amended): ~~Marking~~ The marking determining method according to claim 1, wherein said pre-assigned priority and/or said additional pre-assigned priority is a packet loss priority.

6. (currently amended): ~~Marking~~ The marking determining method according to claim 1, wherein said pre-assigned priority and/or said additional pre-assigned priority is a packet traffic category.

7. (currently amended): ~~Marking~~ The marking determining method according to claim 1, wherein said pre-assigned priority and/or said additional pre-assigned priority is a type of sender.

8. (currently amended): ~~Marking~~ The marking determining device, for determining a packet marking of packets of an incoming packet-flow, in order to keep said packets in conformance with a traffic policy,

said determining being based on an actual value of a traffic reservation parameter, said traffic reservation parameter being a measure of available network resources dedicated to packets of said incoming packet-flow having a pre-assigned priority,

said determining further being based on said pre-assigned priority of said packets of said incoming packet flow, said traffic reservation parameter having a predetermined minimum and a maximum value,

said marking determining device comprising:

~~a~~ a threshold holding part (THHP), adapted to hold a threshold value for said traffic reservation parameter, said threshold value lying between said minimum and said maximum value of said traffic reservation parameter;

~~b-a~~ metering part (MEP), adapted to check on said actual value of said traffic reservation parameter; and

~~e-a~~ determination part (DETP), adapted to determine said packet marking of each of said packets based on said actual value of said traffic reservation parameter when said actual value of said traffic parameter exceeds said threshold value for said traffic reservation parameter.

9. (currently amended): ~~Marking~~ The marking determining device according to claim 8, wherein said determination packet marking additionally is based on at least one additional pre-assigned priority for each said packet of said incoming packet-flow, each said additional pre-assigned priority having a separate threshold value assigned to each of said traffic reservation parameter.

10. (currently amended): ~~Marking~~ The marking determining device according to claim 8, wherein said traffic reservation parameter is a filling level of a token bucket.

11. (currently amended): ~~Marking~~ The marking determining device according to claim 8, wherein said traffic reservation parameter is a sending rate estimate.

12. (currently amended): ~~Marking~~ The marking determining device according to claim 8, wherein said pre-assigned priority and/or said additional pre-assigned priority is a packet loss priority.

13. (currently amended): ~~Marking~~ The marking determining device according to claim 8, wherein said pre-assigned priority and/or said additional pre-assigned priority is a packet traffic category.

14. (currently amended): ~~Marking~~ The marking determining device according to claim 8, wherein said pre-assigned priority and/or said additional pre-assigned priority is a type of sender.

15. (currently amended): ~~Communication~~ A communication network element including a marking determination device as claimed in claim 8.